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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
115692-00101

First named inventor: Jan Abraham VAN ASSELT

Application No.: 09/980,092

Art Unit: 3711

Filed: February 11, 2002

Examiner: A. Hunter

Title: BALL GAME APPARATUS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of REPLY AND AMENDMENT

(identify type of reply):

- ☐ has been filed previously on 03/28/2005 CCHAU1 00000075 09980092
☒ is enclosed herewith. 01 FC:2453 750.00 0P

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

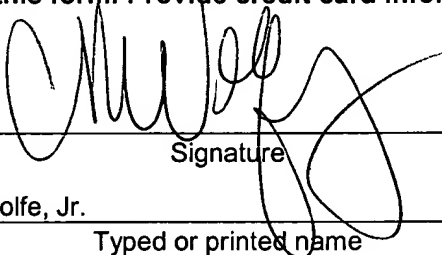
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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 Signature
 Charles W. Wolfe, Jr.

 Typed or printed name

3/24/05

 Date
 28,680

 Registration Number, if applicable
 (202) 772-5800

 Telephone Number

 Address

 Address

- Enclosures: ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: PETITION TO WAIVE THE RULES AND FOR REFUND

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

 Date

 Signature

 Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application. of :
Jan Abraham VAN ASSELT : Group Art Unit: 3711
Serial No.: 09/980,092 : Examiner: A. Hunter
Filed: February 11, 2002 : Attorney Docket: 115692-00101
For: BALL GAME APPARATUS :

PETITION TO WAIVE THE RULES AND FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition accompanies a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b). Pursuant to 37 C.F.R. § 1.183, Applicant requests that the rules be waived and that the petition fee under 37 C.F.R. § 1.17(h), which is submitted with the petition to revive, be refunded and deposited using BLANK ROME LLP, Deposit Account No. 23-2185 (ref. 115692-00101).

The Office Action date July 2, 2004, was never received prior to January 2, 2004, because it was issued and mailed by the USPTO to the incorrect correspondence address for the application. Attached to this petition is the Change of Correspondence Address-Application which was filed at the USPTO on July 13, 2003. The subject application appears on page 14 of this paper.

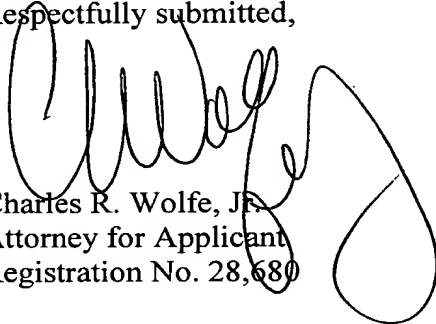
Accordingly, the Office Action dated July 2, 2004 for this application should have been mailed to the address given in the Change of Correspondence Address paper. The failure to change the address by the USPTO caused the Office Action not to be received by Applicant's attorneys. Although no Notice of Abandonment has been issued by the Patent Office, the application is now considered abandoned as a matter of law. 35 U.S.C. § 133.

A timely response to the pending Office Action was impossible due to the non-receipt of the Office Action before the January 2, 2004, deadline. However, had the Patent Office updated its records, as requested in our Change of Correspondence Address paper submitted

Serial Number: 09/980,092
Group Art Unit: 3711

to the Patent Office on June 13, 2003 (see attached), the Office Action would have been mailed to the correct correspondence address and a reply would have been timely filed by the January 2, 2004, deadline. Accordingly, it is submitted that the USPTO rules be waived and the petition fee being submitted herewith be refunded.

Respectfully submitted,



Charles R. Wolfe, Jr.
Attorney for Applicant
Registration No. 28,680

BLANK ROME, LLP
Watergate
600 New Hampshire Ave., N.W.
Washington, D.C. 20037
Telephone: (202) 772-5800

Date: 3/24/05



IN THE UNITED STATES PATENT & TRADEMARK OFFICE



In re patent applications of :

1) David G. CONNELLY
Serial No.: 10/445,327
Filed: May 27, 2003

)
:
) Our Ref: 115584.0330
:
)

2) Robert J. MASSEY
Serial No.: 10/443,327
Filed: May 23, 2003

)
:
) Our Ref: 112485.0108
:
)

and approximately 1,300 others :

CHANGE OF CORRESPONDENCE ADDRESS—APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Effective immediately, please change the Correspondence Address for each application identified on the attachment hereto to:

Blank Rome LLP
600 New Hampshire Ave., N.W.
Washington, D.C. 20037
U.S.A.
Telephone: 202-772-5800

Respectfully submitted,

Victor M. Wigman
Attorney of Record
Registration No. 25,201

Blank Rome LLP
900 17th Street, N.W., Suite 1000
Washington, D.C. 20006
Telephone: 202-530-7400

Date: June 13, 2003



<i>Application Number</i>	<i>Application Date</i>	<i>First Inventor</i>	<i>Docket Number</i>
10/108517	3/29/2002	MILLAS, Emil	115581.0111
60/365448	3/19/2002		116578.0101
10/088113	3/15/2002	LAREIDA, Juerg	000364.0124
60/363848	3/14/2002	TENNYSON, Roderick C.	115354.0118
10/094805	3/12/2002	Easter, Mark R.	110938.0137
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29/156945	3/12/2002	BRANSKY, Jeffrey	115466.0102
10/094797	3/12/2002	CHERNINKO, Vladimir	116298.0101
10/094130	3/11/2002	ETTLINGER, Roderich	000023.0108
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10/093031	3/8/2002	SANDVICK, Warren J.	113076.0102
09/890581	3/8/2002	TREVOR, Dampney Ian	000026.0030
60/361063	3/1/2002	SCOTT, Michael L.	000687.0210
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THE OFFICIAL DATE STAMPED HEREON BY THE U.S. PATENT AND
TRADEMARK OFFICE WILL ACKNOWLEDGE RECEIPT OF THE FOLLOWING

KOS
REVIEWED

Change of Correspondence Address – Application, for:

Serial No., Filing Date: 10/445327, 5/27/2003; 000, 5/23/2003; 10/443802, 5/23/2003; 60/472414, 5/22/2003; 60/472413, 5/22/2003; 10/442294, 5/21/2003; 10/416818, 5/16/2003; 000, 5/14/2003; 10/435684, 5/12/2003; 60/469411, 5/12/2003; 10/434124, 5/9/2003; 10/431317, 5/8/2003; 60/468082, 5/6/2003; 60/468097, 5/6/2003; 10/428159, 5/2/2003; 60/467135, 5/2/2003; 60/466777, 5/1/2003; 10/425675, 4/30/2003; 10/415592, 4/30/2003; 10/424949, 4/29/2003; 60/465804, 4/28/2003; 10/423951, 4/28/2003; 10/399911, 4/24/2003; 000, 4/22/2003; 60/464119, 4/21/2003; 60/463683, 4/18/2003; 10/417154, 4/17/2003; 000, 4/15/2003; 10/411375, 4/11/2003; 10/409059, 4/9/2003; 10/408579, 4/8/2003; 90/006588, 4/4/2003; 90/006591, 4/4/2003; 90/006590, 4/4/2003; 90/006589, 4/4/2003; 10/405633, 4/3/2003; 10/400915, 3/28/2003; 10/397175, 3/27/2003; 10/381670, 3/27/2003; 10/396519, 3/26/2003; 60/456938, 3/25/2003; 10/395857, 3/25/2003; 10/395891, 3/25/2003; 10/392308, 3/20/2003; 10/393885, 3/20/2003; 10/390881, 3/19/2003; 10/388762, 3/17/2003; 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